

IN RE: PETITION FOR ZONING VARIANCE
W/S York Road, 900' N of the
c/l of Bee Tree Mill Road
(20804 York Road)
7th Election District
3rd Councilmanic District
Terrence L. Boegner, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-301-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit front and side yard setbacks of 41 feet each in lieu of the required 50 feet for an existing dwelling and an amendment to the Final Development Plan of Bee Tree Mill in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Ronald A. Decker, Esquire. Also appearing on behalf of the Petition was J. Finley Ransone, registered professional land surveyor. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of February, 1989 that the Petition for Zoning Variance to permit front and side yard setbacks of 41 feet each in lieu of the required 50 feet for an existing dwelling, and an amendment to the Final Development Plan of Bee Tree Mill, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

CERTIFICATE OF POSTING
Date: 1/13/89
By: J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3333

February 1, 1989

Ronald A. Decker, Esquire
Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
W/S York Road, 900' N of the c/l of Bee Tree Mill Road
(20804 York Road) - et ux
7th Election District - 3rd Councilmanic District
Terrence L. Boegner, et ux - Petitioners
Case No. 89-301-A

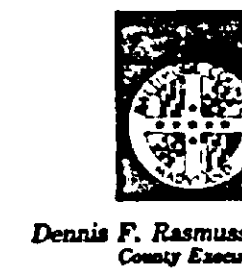
Dear Mr. Decker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

cc: People's Counsel
File
File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-301-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.02 of the Baltimore County Zoning Regulations to allow a setback of 41 feet in lieu of the required 50 feet and an amendment to the Final Development Plan of Bee Tree Mill.

The undersigned, legal owner(s) of the property situate in Baltimore County, for the following reasons (indicate hardship or practical difficulty):
Petitioner requests a variance from the front and/or side yard setback requirements by allowing a setback of 41.70'. The existing dwelling was constructed within the 50' setback so that the front right corner of the house is within the setback area. There is no way to comply with the setback requirement without practical difficulty and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: N/A
(Type or Print Name)
Signature: *Terrence L. Boegner*
Address: *2409 Eastridge Road*
City and State: *Timonium, Maryland 21093*

Legal Owner(s): *Terrence L. Boegner*
(Type or Print Name)
Signature: *Terrence L. Boegner*
Address: *2409 Eastridge Road*
City and State: *Timonium, Maryland 21093*

Attorney for Petitioner:
Ronald A. Decker
(Type or Print Name)
Signature: *Ronald A. Decker*
Address: *4111 E. Joppa Road, Suite 201*
City and State: *Baltimore, Maryland 21236*

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Terrence and Mary Boegner
2409 Eastridge Road, Timonium, MD 21093
Phone No. 529-4600

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of Nov, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31st day of JAN, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.
(over)

J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

ZONING DESCRIPTION

20804 YORK ROAD

Beginning on the west side of York Road at a distance of 900 feet more or less from the center line of the existing paving of Bee Tree Road, being known as Lot No. 5 in the subdivision of "Bee Tree Mill", Section One and recorded in Platbook No. S.M. 58 Folio 48. Also known as 20804 York Road in the 7th Election District of Baltimore County, Maryland.

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case Number: 89-301-A
W/S York Road, 900' N of the c/l of Bee Tree Mill Road
(20804 York Road)
7th Election District
3rd Councilmanic District
Petitioner(s): Terrence L. Boegner, et ux
Hearing Date: Tuesday, Jan. 31, 1989 at 2:00 p.m.
Variance: to permit a front and side yard setback of 41 feet in lieu of the required 50 feet and an amendment to the Final Development Plan of Bee Tree Mill.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
01/09/89 Jan. 12

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 16, 1989.
THIS IS TO CERTIFY that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 12, 1989.

THE JEFFERSONIAN
TOWSON TIMES,
S. Zake Olson
Publisher

PO 08945
reg 145172
case 89-301-A
Price \$95.29 TT + J

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: January 11, 1989
Posted for: Terrence L. Boegner, et ux
Petitioner: Terrence L. Boegner, et ux
Location of property: W/S York Road, 900' N of Bee Tree Mill Road
20804 York Road
Location of Sign: In front of subject property at 20804 York Road
Remarks: As above
Posted by: J. Haines Date of return: January 13, 1989
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner
Mr. & Mrs. Terrence L. Boegner
2409 Eastridge Road
Timonium, Maryland 21093

Re: Petition for Zoning Variance
CASE NUMBER: 89-301-A
W/S York Road, 900' N c/l Bee Tree Mill Road
20804 York Road
7th Election District - 3rd Councilmanic District
Petitioner(s): Terrence L. Boegner, et ux
HEARING SCHEDULED: TUESDAY, JANUARY 31, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Boegner:

Please be advised that 10:29 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 1/20/89 ACCOUNT: P-01-615-000
AMOUNT: \$ 111.29
RECEIVED FROM: Terrence L. Boegner
FOR: P.A. 1/31/89
No. 059708
Validation or Signature of Cashier: J. Robert Haines
Signature: J. Robert Haines
Title: Zoning Commissioner



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

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HEARING SCHEDULED: TUESDAY, JANUARY 31, 1989 at 2:00 p.m.

Variance to permit a front and side yard setback of 41 feet in lieu of the required 50 feet and an amendment to the Final Development Plan of Bee Tree Mill.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Mr. & Mrs. Boegner
Ronald A. Decker, Esq.
File

Petitioner Terrence L. Bogner, et al
 Petitioner's Attorney Ronald A. Dacker
 Received by: James E. Dyer
 Chairman, Zoning Plans
 Advisory Committee

13

cc: J. Finley Ransone & Associate
P.O. Box 10160
Towson, MD 21204

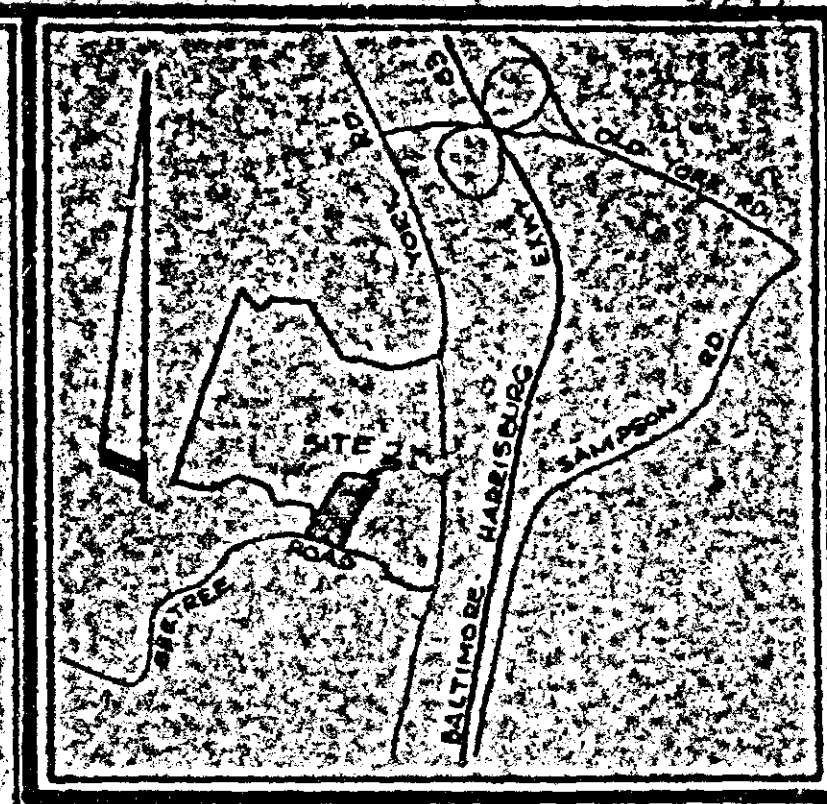
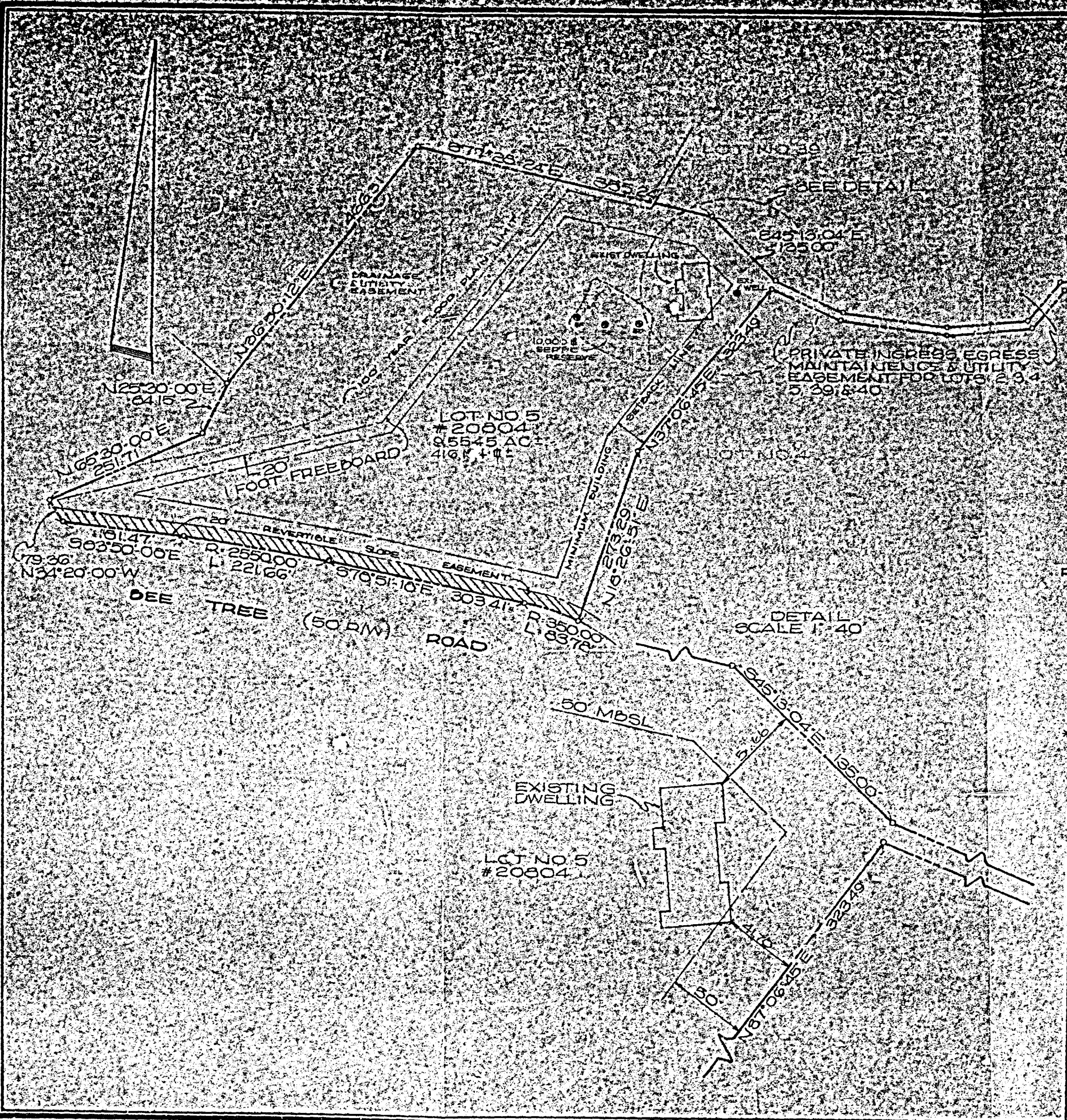
cc: J. Finley Ransone and Associates
J. Ogle

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
more Metro - 555-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

MSF/lvw

PK/sf

2409 ~~2409~~ Eastridge Rd 21093
~~2409~~ Eastridge Rd 21093
 4111 E. Juma Rd 21236
 P.O. Box 12160 Tucson, AZ 85712



VICINITY MAP
1" = 2000'

PLAT TO ACCOMPANY
A
PETITION FOR ZONING VARIANCE
FOR
SIDE YARD SETBACK
NO. 20804 YORK ROAD
LOT NO. 5
BEE TREE MILL
SECTION ONE
P.B. NO. 58 FOLIO 46
7TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

* NOTE
CURRENT ZONING - PC-5
OWNERS - TERRENCE L. & MARY BOEGNER

PETITIONER'S EXHIBIT 1

SCALE: 1" = 100'	DATE: 10-7-85
<p>J. FINLEY RANSONE & ASSOCIATES</p> <p>REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 666-7448</p>	
J# 1006527	E# 70-032